

CONSENT AGENDA:

ITEM C-5

Adoption of the Cellular Phone Policy

Agenda Item No.

DATE SUBMITTED

1/14/2010

SUBMITTED BY

AJ Gaddis, HR Manager

DATE ACTION REQUIRED

1/20/2010

COUNCIL ACTION (X)
PUBLIC HEARING REQUIRED ()
RESOLUTION ()
ORDINANCE 1ST READING ()
ORDINANCE 2ND READING ()
CITY CLERK'S INITIALS ()

**IMPERIAL CITY COUNCIL
AGENDA ITEM**

SUBJECT: Cellular Phone Policy

DEPARTMENT INVOLVED: City Departments

BACKGROUND/SUMMARY: With the recent mandatory changes to the California Vehicle Code regarding wireless communication devices and handheld wireless telephones, City of Imperial staff comprised of Finance, Planning and Human Resources formed a Cell Phone Committee to address the operational needs of city departments and the current use of cellular phones in the workplace. Enclosed for your review and consideration is the result of the Committee's recommendation and final draft of the Cellular Phone Policy. This Policy not only addresses the safety of the employees and other drivers but also identifies any liability to the City, and effectively reduces any potential risk to city operations regarding the usage of cellular phones in the workplace.

FISCAL IMPACT: None

F.O. INITIALS _____

STAFF RECOMMENDATION: Approve the Cellular Phone Policy effective January 20, 2010.

MANAGER'S RECOMMENDATION:

MANAGER'S INITIALS M.D.B.

MOTION:

SECONDED:
AYES:
NAYES:
ABSENT:

APPROVED ()
DISAPPROVED ()

REJECTED ()
DEFERRED ()

REFERRED TO:



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Cellular Phone Policy

1.0 INTRODUCTION

Wireless communication and cellular technology are now an integral part of our daily personal and business activities. Cell phones, personal digital assistants (PDA's), smart phones, and other similar devices provide instant communication and information where one may transact business almost anywhere in the world. These devices are tools to enhance employee productivity, provide safety/security while traveling, and provide a higher level of service to the residents and businesses of Imperial.

The City of Imperial recognizes the need of city-owned wireless communication devices as a tool to conduct city-related business, but the prevalence of cell phones in the work environment can be a distraction with the constant ringing, beeping and personal conversations. In an effort to maximize efficiency, enhance safety and ensure the equipment is properly used, the City of Imperial adopted the following policy.

2.0 USE OF CELL PHONES FOR OFFICIAL BUSINESS ONLY

2.1 City Issued Cell Phones

The Finance Director will determine the suitable carrier(s) for City-issued cell phones and other wireless communication devices. The Finance Director shall manage the administration and be the main point of contact for City cell phones and cellular contract(s), including types and models of equipment to be used, number of users, amount of usage, initial set-up, plan changes, service and billing issues and services purchased under the contract. The Finance Director, or his/her designee, shall provide each Department Head/Division Manager with a copy of telephone calls made by each of their employees for review and approval on a monthly basis. A copy of the monthly cellular bill shall be posted in the City Intranet.

Where job or business needs demand immediate access to an employee, the City may issue a City-owned and serviced cell phone to an employee for work-related communications. The Department Head or Division Manager, whichever is applicable, shall be responsible for determining the employee's need for a City provided cell phone. In doing so, the Department Head or Division Manager will analyze the business necessity for such use before authorization. Department Head/Division Manager shall inform employees of the purpose for cell phone communication while performing City business; ensure the employee understands the Cell Phone Policy; enforce compliance with this policy; and ensure that cell phone use is appropriate and that public funds are prudently spent. Approval shall be given to the Finance Manager in writing by using the "Cell Phone Policy Acknowledgment Form" (See Attachment "A").

Approving managers shall audit each monthly bill for City-issued phones to account for proper business use prior to sending statement(s) to the Finance Department for payment. An approval form will be created and distributed to all Department Heads/Division Managers upon Council's approval of this Cell Phone Policy.

2.2 Usage Policies

City owned cellular telephones are for official business only. Occasional brief personal use is allowable only with proper documentation and reimbursement per Department procedures. Phone invoices will be audited by the user Department to ensure no unauthorized use has occurred.

Acknowledgement

2.2.01 Each employee shall review and adhere to the Cell Phone Policy

Initials

2.2.02 Employee should use their cell phone to report emergencies to the appropriate authorities.

Initials

2.2.03 Use of a City provided cell phone for commercial profit or secondary employment is prohibited.

Initials

2.2.04 City provided cell phones shall only be used for appropriate business calls. The employee should use their cell phone only if other methods of communication are not available.

Initials

2.2.05 As a general rule, personal phone calls are not allowed on City-issued cell phones. If employee has an urgent personal issue arise, only reasonable time consideration will be allowed.

Initials

2.2.06 The City does not offer employees personal use of free night, weekend, cell-to-cell, text, picture or any other enhanced plan.

Initials

2.2.07 City issued cell phones are to be used by the assigned employee(s) only. Allowing family members, friends, etc. to use City equipment is prohibited.

Initials

2.2.08 Service charges are incurred by the City for the use of optional services such as directory assistance, direct connection by directory assistance, busy signal confirmations, and emergency interrupts. As such, the use of these services on City-issued cellular phones is restricted for business purposes only and should be used only when absolutely necessary.

Initials

2.2.09 Each employee assigned a City cellular telephone shall review, on an ongoing basis, their billing statement that itemizes the incoming and outgoing calls to ensure that calls placed on the cellular phone are valid and in conformance with this policy. Calls that appear to be billed to the City in error shall be reported to the Finance Department.

Initials

2.2.10 Unless authorized, text messages are not to be sent or received. If a text message is received that is not authorized you will need to inform the sender to cease sending such text messages. If text messages are part of the employees business needs and authorized, the Department Head should coordinate a cost-effective text messaging plan with the Finance Director.

Initials

2.2.11 Unless authorized, any enhanced service such as text, data, picture, ringer tones, downloading of songs or internet not included in the basic plan shall not be permitted on a City-issued cellular phone.

Initials

2.2.12 Those employees who are issued cellular phones with a camera feature shall not use the camera feature except in a work related emergency, or as authorized by the employee's department head. The camera feature is not to be used for personal purposes.

Initials

- 2.2.13** Employees are not allowed to use the City-issued cellular phones in an illegal, illicit or offensive manner

Initials

- 2.2.14** While on duty or in the work environment, employees must use all cell phones and electronic devices in a professional manner.

Initials

- 2.2.15** It is important to remember that all payments processed through Accounts Payable, including complete cell phone bills detailing all monthly activity, are public record. Using your City issued cell phone appropriately, and for business use only, will avoid problems and questions that might occur by public or outside audit.

Initials

2.3 Equipment Policies

Employees deemed to need cell phones will the same type of cell phone as determined by the Finance Department in consultation with the Department Heads. All Department Heads will receive the same type of smart phone.

Cellular phones shall remain the sole property of the City and shall be subject to inspection or monitoring (including related records) at any time. Employees in possession of City equipment such as cellular phones are expected to protect the equipment from loss, damage, or theft. Employees assigned a City cell phone must be diligent in the care and protection of the City asset entrusted to them. Employee may be responsible for replacement if loss or damage to cellular phone is the fault of the employee. Repeated loss or damage of cell phones may result in disciplinary action.

Upon resignation or termination of employment, or at any time upon request, the employee shall be asked to produce the phone for return or inspection. Employees unable to present the phone in good working condition shall be expected to bear the cost of a replacement.

Employees who separate from employment with outstanding debts for equipment loss or unauthorized charges will be considered to have left employment on unsatisfactory terms and may be subject to legal action for recovery of the loss.

2.4 Personal Cell Phones and Personal Calls

Personal cell phones must be in silent or vibrating mode during work hours and should not be disruptive to co-workers except as needed for specific job classes such as Public Works and/or Parks and Recreation.

Employees will be expected to limit personal cell phone usage during working hours to breaks or lunch periods. Usage outside of the break and lunch periods should be kept to a minimum.

3.0 SAFE USE OF CELL PHONE/ELECTRONIC DEVICES WHILE OPERATING A VEHICLE

In the interest of the safety of employees and other drivers, City employees should refrain for using cell phones/radios while driving within the course and scope of their employment for the City (California Vehicle Code 23123). Safety must come before all other concerns. Regardless of the circumstances, including slow or stopped traffic, employees are strongly encouraged to pull off to a reasonably safe location and safely stop the vehicle before placing or accepting a call. If acceptance of a call is unavoidable and pulling over is not an option, employees are required to use hands-free options and are expected to keep the call short, refrain from discussion of complicated or emotional issues, and keep their eyes on the road. Special care should be taken in situations where there is traffic, inclement weather or the employee is driving in an unfamiliar area.

In situations where a City cell phone has been issued and the employee's job responsibilities include regular driving and accepting of business calls, hands-free equipment will be provided to facilitate the provisions of this policy.

With the exception of extraordinary circumstances, operators of authorized emergency vehicles are to comply with the hands-free requirement while driving.

Employees whose job responsibilities do not specifically include driving as an essential function, but who are issued a cell phone for business use, are also expected to abide by the provisions above. Under no circumstances are employees allowed to place themselves at risk to fulfill business needs.

Text messaging, reading emails, and writing emails while driving is not allowable under any circumstance (California Vehicle Code 23123.5).

Employees under the age of 18 are prohibited from using a wireless telephone or hands-free device while operating a city vehicle in accordance with California Vehicle Code 23124.

Employees who are charged with traffic violations resulting from the use of a cellular phone while driving on duty may be subject to disciplinary action and personal liability resulting from such traffic violations. Any fines received while operating a vehicle for City related business are the sole responsibility of the driver.

**CELLULAR PHONE POLICY
ATTACHMENT "A"**

ACKNOWLEDGEMENT OF CELL PHONE POLICY FOR THE CITY OF IMPERIAL

By signing below, I agree that I have read, understand and will adhere to the City of Imperial's Cell Phone Policy.

Employee's Signature

Date

Employee's Printed Name

Department Authorization:

Text Messaging Allowed? ☐ Yes ☐ No

Purpose:

Department Head Signature

Date

Cell number/Radio number

Model type

Serial number